

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court for the Eastern District of Virginia on the following

☐ Trademarks or ☒ Patents. ( ☐ the patent action involves 35 U.S.C. § 292.)

DOCKET NO.	DATE FILED	U.S. DISTRICT COURT for the Eastern District of Virginia
PLAINTIFF Uretex USA, Inc. and Benefil Worldwide OY		DEFENDANT Applied Polymeric, Inc.
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,634,831	10/21/2003	Benefil Worldwide Oy
2 <u>Attached Complaint</u>		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY	
	<input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
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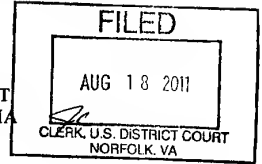
In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK <b>Fernando Galindo, Clerk</b>	(BY) DEPUTY CLERK <i>G. J. Simpson</i>	DATE <b>AUG 19 2011</b>
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**



URETEK USA, INC. and BENEFIL  
WORLDWIDE OY,

Plaintiffs,

v.

APPLIED POLYMERICS, INC.

Defendant.

Civil Action No. *3:11cv542*  
*JRS*

COMPLAINT

Jury Trial Demanded

**PLAINTIFFS' ORIGINAL COMPLAINT**

Urettek USA, Inc. and Benefil Worldwide Oy (collectively "Plaintiffs") file this original complaint of patent infringement against defendant Applied Polymeric, Inc. ("Applied") and allege as follows:

**The Parties**

1. Plaintiff Urettek USA, Inc. is an Iowa corporation with a principal place of business in Tomball, Texas.
2. Plaintiff Benefil Worldwide Oy is a foreign corporation having a place of business in Finland.
3. On information and belief, Applied is a North Carolina corporation having its principal place of business in Mt. Airy, North Carolina.

**Jurisdiction and Venue**

4. This action arises under the patent statutes of the United States, 35 U.S.C. § 271 et seq. Accordingly, the Court has federal question jurisdiction over this matter under 28 U.S.C. §§ 1331 and 1338(a).

5. Applied conducts business and has committed acts of infringement in this district. Accordingly, the Court has personal jurisdiction over Applied.

6. Venue is properly within this district in accordance with 28 U.S.C. § 1391(b) and (c) and § 1400(b).

**Background**

**The Uretex Patent**

7. On October 21, 2003, United States Patent No. 6,634,831 (“the ‘831 Patent’”) was duly and legally issued for an invention in a Method for Increasing the Bearing Capacity of Foundation Soils for Built Structures. A copy of the ‘831 Patent is attached as Exhibit A and incorporated herein.

8. Benefil Worldwide Oy owns the ‘831 Patent by assignment.

9. Uretex USA, Inc. holds an exclusive license from Benefil Worldwide Oy under the ‘831 Patent.

**Applied Infringes the ‘831 Patent**

10. On information and belief, Applied is a contractor involved in the repair and maintenance of roadways for various state and municipal agencies.

11. Uretex USA, Inc. and Applied previously engaged in litigation regarding the '831 Patent. The case settled in 2007 with Applied consenting to a judgment of the validity of the '831 Patent.

12. On information and belief, Applied has contracted with the Department of Transportation for the Commonwealth of Virginia ("VDOT") to stabilize and lift pavement on I-644 in this District.

13. On information and belief, in performing the VDOT contract for I-664, Applied has stabilized the roadway by injecting an expandable polyurethane material deep into the foundation soil while monitoring at the surface. On information and belief, the methods performed by Applied are covered by at least claims 1 and 20-22 of the '831 Patent.

14. Plaintiff Uretex USA, Inc. notified Applied concerning its infringement with respect to the VDOT contract, but Applied elected to infringe with reckless disregard for Plaintiffs' patent rights.

**Count 1: Patent Infringement**

15. On information and belief, Applied infringes claims in the '831 Patent by directly performing or actively inducing others to perform the methods to increase the bearing capacity of foundation soils of various structures.

16. On information and belief, Applied will continue to infringe the claims in the '831 Patent unless enjoined by this Court.

17. Plaintiffs have been damaged and will continue to be damaged by Applied's infringing acts.

18. Applied was actually aware of the '831 Patent and willfully committed acts of infringement.

**Jury Demand**

19. Plaintiffs demand a trial by jury on all issues.

**Prayer for Relief**

WHEREFORE, Plaintiffs pray the Court to:

- (a) grant a permanent injunction against Applied's continued infringement;
- (b) award damages of not less than a reasonable royalty;
- (c) find that Applied's infringement has been willful under 35 U.S.C. § 284 and increase such damages to three times the awarded amount;
- (d) award prejudgment and postjudgment interest;
- (e) find that this case is an exceptional case under 35 U.S.C. § 285 and award attorneys' fees;
- (f) award costs; and
- (g) grant all other relief to which Plaintiffs are entitled.

Dated: August 17, 2011

Respectfully submitted,

By: 

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